

**Village of Croton on Hudson
Minutes of the Planning Board
Tuesday, July 11, 2014**

Present: Rob Luntz, Chairman
Bruce Kauderer
Steve Krisky
Rocco Mastronardi

Also Present: Daniel O'Connor, P.E., Village Engineer
Ann Gallelli, Village Board Trustee Liaison

1. Call to order 8:10 p.m.

2. REFERRAL

- a) Village Board referral—Local Law Introductory No. 3 of 2014—Croton on Hudson PRE and RA-60 Rezoning—Lead agency declaration and request for comments.

Frank Fish, of BFJ Planning, consultant planners to the village, provided a summary of the proposed Local Law on PRE and RA-60 rezoning of the village. The proposed rezoning had been initiated in 2009, however halted when the litigation with the Harmon gateway area began.

With the litigation over, the comprehensive committee reconvened and reviewed what had previously been proposed, and then sent the proposed draft to the Village Board of Trustees. Since nothing had changed, the Village Board declared itself to be lead agency and then referred it to the WAC and Planning Board; the County recently sent back the proposed law and stated that they had no objections to this rezoning.

The draft law proposes to remap approximately 482 acres (Brinton Brook and Graff Sanctuaries, Croton Point Park, and a small piece of the Arboretum) within the Village to Park, Recreation and Education (PRE) District from a single-family residence RA-40; and provides an opportunity to change a 425-acre portion of the Village from RA-40 to a new RA-60 district (this includes properties along 9A and the Hudson National Golf Club). The rezoning is consistent with what is in the master plan now and is part of the comprehensive plan update.

Mr. Fish explained that RA-60 zoning creates a minimum lot size of 60,000 sq. feet (1 ½ acre) and was decided on instead of the larger RA-80 because the more conservative amount would allow the topography to be preserved. The impact of rezoning on 9A would be on 23 properties, thereby making four existing properties non-conforming. The width of the lot would go from 150 to 175, with the front yard remaining at 50 ft. The sideyards would go from 30/80 to 35/80 ft.

Mr. Fish noted that these changes were modest. The impacts on Brinton Brook, Graff Sanctuary and the Arboretum were none since these are currently used as passive recreation spaces.

The real effect would be seen if Hudson National Golf Club were to go bankrupt and be developed. This scenario is hypothetical and definitely not anticipated, but golf clubs in the county have gone bankrupt and if this were to ever happen to HNGC, more units would be developed in RA-40 zone than in RA-60 zone. Therefore, the reason for the rezoning would be to protect the overall environment and character of this portion of the village, and to minimize potential development impacts.

Chairman Luntz observed that the practical impact (not including Hudson National Golf Club) is that new lots that could be developed goes from 21 lots in a RA-40 zone to 14 lots in a RA-60 zone. Mr.

Fish noted that in the zoning code, all the uses that are allowed in RA-40 are now in RA-60, making RA-60 the lowest density zone than RA-40.

Mr. Fish stated that there will be a public hearing and everyone will have a chance to speak to this proposed law. He reiterated that there was not a major impact given the size of the lots and that four were already non-conforming. However, if it did become an issue, the village could have a “grandfathering” clause for existing lots whereby if a property owner was building an addition, one could stay within the RA-40 guidelines. Most of the intent has to do with subdivisions, not building additions.

Chairman Luntz agreed with the suggestion that there might be properties where additions might be close to the property line or not meet the setback requirements of the RA-60 requirements and there was no reason why they should be penalized. Mr. Fish stated that because there were fewer lots in a subdivision in RA-60 zone, those that were nonconforming would remain non-conforming.

Mr. Krisky asked Ann Gallelli, Village Board liaison, how this rezoning might impact the Gouveia Property. Ms. Gallelli responded that the village had not yet accepted the Gouveia property, but if it were to be accepted, the uses would be in keeping with PRE, although not rezoned as PRE. The terms, as the board understands it at this point, is that the land is not able to be subdivided for housing; in fact, the Gouveia property is already subdivided into three legal lots which cannot be developed. Chairman Luntz stated that the existing residence can remain and be used for village purposes. Mr. Kauderer also added that the property could not be sold under the terms of the agreement.

Mr. Fish noted that the zoning to PRE, recognizes the sanctuaries and parks in their current uses as parks. The designation of PRE-3 to the County park allows educational uses and recreational uses, whereas the PRE-1 zoning is more restrictive and more about conserving the property and maintaining passive use.

Chairman Luntz stated that the main question is how much the Planning Board feels the village should be restricting those property owners regarding the potential development of those properties, although it did not seem as if the rezoning were putting undue restrictions on these private properties.

There was a brief discussion about how this rezoning would affect HUD and the current affordable housing requirements. Mr. Fish stated that the plan was submitted to the County and that the County did not have any comments, nor did the Village Attorney. The courts have said that if the zoning is consistent with the comprehensive plan then it is not considered spot zoning. This proposed zoning law is consistent with the comprehensive plan.

The Planning Board raised the question about the rezoning if a property had been granted preliminary subdivision approval or granted final approval but had not yet filed for final subdivision approval. Mr. Fish responded that BFJ would urge the Village Board to grandfather in the approvals previously granted by the Planning Board.

Mr. Kauderer stated that the Planning Board should make the recommendation that any preexisting subdivision or a subdivision that is in process should be grandfathered in.

Chairman Luntz agreed that the Planning Board should make that recommendation. The Planning Board agreed with the PRE-1 and PRE-3 zoning changes.

The Village Engineer noted that in the zoning code, if there is an existing small lot—these lots were given automatic setback variances so that the small older lots are protected. For example, if a residential property meets the setback requirements under RA-40 requirements, then if that

property is upzoned, it would still meet the RA-40 requirements. Therefore some of the pre-existing lots will remain non-conforming; for lots prior to 1962 these were given automatic setback variances.

The Village Engineer suggested that the Planning Board recommend that certain non-conforming lots could automatically get 5 feet side yard reductions since the lots were developed when no RA-60 zoning existed. This would better protect the small older lot. Chairman Luntz and Mr. Kauderer agreed.

Mr. Fish stated that two recommendations were made: 1) that if preliminary subdivision approval had been granted, it should be grandfathered in, and 2) that small non-conforming lots should be grandfathered in.

Mr. Kauderer noted that philosophically he could see a downside to upzoning a residential property from RA40 to RA60 since a property owner might be upset that he could build less and it might be an infringement on the property owner; however, as a Planning Board member he wouldn't want to substitute his judgment for the village board's. The Village Engineer observed that not everyone would want to subdivide his property.

Chairman Luntz stated that the Planning Board was satisfied with the proposed rezoning of RA-40 to RA-60 with the added conditions as noted above, and that the Planning Board was also comfortable with the PRE rezoning. A memo with the Planning Board's recommendations will be drafted and circulated and then sent to the Village Board.

3) APPROVAL OF MINUTES

Mr. Krisky made a motion to approve the minutes of July 11, 2014, seconded by Mr. Mastronardi, and carried, all in favor by a vote of 4-0.

4) ADJOURNMENT

There being no more business to come before the board, the meeting adjourned at 9:05 p.m.

Respectfully submitted,

Ronnie L. Rose
Secretary to the Planning Board